

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

-against- :

SHANGZHEN (DANIEL) WU and MATTHEW
MORROW-WU, :

Defendants. :

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ALVIN K. HELLERSTEIN, U.S.D.J.:

**ORDER DENYING MOTION
TO WITHDRAW**

23 Cr. 90 (AKH)

Eric Prusan, counsel for Defendant Matthew Morrow-Wu, moves by letter of April 10, 2025 (ECF No. 140) to withdraw from this case. I deny this motion.

On February 21, 2025, following the withdrawal request of Elena Fast, Morrow-Wu's prior attorney, Prusan filed a letter, requesting, "prior to entering a Notice of Appearance, if this Honorable Court would grant an adjournment of the currently scheduled trial dates and all associated deadlines," since he could not "take on this case" with the previously-scheduled trial date of March 24, 2025. ECF No. 122. Prusan subsequently appeared at a status conference before this Court on February 26, 2025, and consequently, I adjourned the trial to accommodate Prusan's schedule. On March 12, 2025, he filed a notice of appearance on behalf of Morrow-Wu in this case. ECF No. 130. And on April 5, 2025, Prusan again appeared before this Court for a status conference, knowing of the impending trial, predicated on the Superseding Indictment. At no point did Prusan ever inform this Court that his retainer agreement with Morrow-Wu did not include "hearings or trials," nor did Prusan ever advise this Court that he was "not retained for the acts contained in the Superseding Indictment." ECF No. 140.

Trial is scheduled to commence, and will proceed as scheduled, on May 5, 2025. Accordingly, based on the foregoing, I deny Prusan's motion to be relieved as counsel for Morrow-Wu. *See, e.g., United States v. Fox*, 558 F. App'x 66, 71 (2d Cir. 2014) (district court was within its discretion to deny substitution of counsel when scheduled trial date was five months away); *United States v. Jafari*, 24 F. Supp. 3d 291, 293 (W.D.N.Y. 2014) (noting that courts are hesitant to grant motions to withdraw made close to the trial date); *United States v. Schwab*, 05 Cr. 6161, 2013 U.S. Dist. LEXIS 55201, at *7-*8 (W.D.N.Y. April 17, 2013) ("It is certainly true that a court does have authority to preclude counsel from withdrawing from a case whenever he chooses to do so.").

The Clerk of Court shall terminate ECF No. 140.

SO ORDERED.

Dated: April 11, 2025
New York, New York

/s/ Alvin K. Hellerstein
ALVIN K. HELLERSTEIN
United States District Judge